



# Lamoine Board of Selectmen

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## *Draft*

### Minutes of January 9, 2014

Chair Jo cooper called the meeting to order at the Lamoine Town Hall at 6:30 PM.

Present were: Selectmen S. Josephine Cooper, Bernie Johnson, Nathan Mason, Cynthia Donaldson, Gary McFarland; Administrative Assistant Stu Marckoon, Newly elected school committee members Brett Jones, Michael Brann, Gordon Donaldson; Planning Board members James Gallagher, John Holt, Chris Tadema-Wielandt and his wife Lynda; Stephen Salsbury, Charles & Yvonne Brann, Jon VanAmringe, Lamoine School Principal Dawn McPhail, Gregory Stone, Kathy Salkaln, Carol Korty, Robert Pulver, and Code Enforcement Officer Michael Jordan.

**Agenda Review** – Gary noted the year on the next meeting dates should read 2014.

**Minutes** – Jo moved to approve the minutes of December 12, 2013 as distributed. Gary 2<sup>nd</sup>. **Vote in favor was 5-0.**

Jo moved to approve the minutes of the special meeting of December 26, 2013 as distributed. Gary 2<sup>nd</sup>. **Vote in favor was 5-0.**

**Expenditure Warrant 12** – Selectmen signed the warrant in the amount of \$186,570.81. Stu reported he would have to move \$150,000 to cover the checks next week.

**Cash & Budget Reports** – There were no questions regarding the written reports.

**Excise Tax Report** – There was a very brief discussion about new car registrations.

**Foreclosed Property** – Stu suggested it would be a good idea to use the town attorney on one of the two properties on which the town has foreclosed due to unpaid back taxes. Jo moved to do so, Nathan 2<sup>nd</sup>. **Vote in favor was 5-0.**

Jo moved to send letters to Harvey Griffin and Christian Houmiller offering to sell the property back to the former owners for all back taxes, fees and interest as required by Town Meeting. Gary 2<sup>nd</sup>. **Vote in favor was 5-0.** Selectmen signed letters to both parties.

**Petition Receipt** – Stu reported that a petition was presented to the Town Clerk who verified that there were 120-valid signatures. He said the petition calls for an amendment to the Building and Land Use Ordinance that would bar any additional gravel operations within the rural and agricultural zone. Jo said the role of the Selectmen is to accept the petition and place it on a warrant for a town meeting vote.

Bernie asked how often the town receives such petitions. Jo said it's not often. Bernie said it appears this would only apply to new gravel permits. Jo said there are enough signatures, and it was done legally. Nathan asked how the language fits in with the Comprehensive Plan. Stu said the Comprehensive Plan identified gravel pits as being allowed in the Rural and Agricultural Zone.

Bernie asked if this should be reviewed by the Town Attorney. Brett Jones said that when he served as a Selectman, the board received a petition but opted not to put it before the town meeting because the question was not proper. Nathan said the idea of asking the town attorney has some merit. A discussion followed on what the board wished to have the town attorney review. Jo moved to accept the petition and place it on the March 2014 town meeting warrant, unless the town attorney says it should not be. Gary 2<sup>nd</sup>. **Vote in favor was 5-0.**

**Gravel Task Force** – Jo reported that the town's attorney, Dan Pileggi, met with the attorney for the plaintiffs (Ed Bearor) in the suit filed regarding the Gravel Ordinance and discussed forming a task force to deal with the ordinance. She said it was a suggestion and has not been considered at a Selectmen's meeting. She said there were some people suggested by the plaintiff's attorney, and said the Selectmen should decide whether a task force should be appointed. Cynthia said she thinks a task force is a good idea. Jo said she agreed as long as there is good representation on the working group. She noted that the lawsuit makes the conversation difficult.

Bernie asked if there was an incentive to drop the suit if the task force is formed. Cynthia said her motivation is not to avoid the suit; she said she would like to get people to work together on this matter. Jo said she's losing patience with the debate. Bernie said there was a proposal from attorney Bearor which has been whittled down to 3 or 4 points of contention. Jo said the task force could focus on those few points, and she also favors this approach, not to avoid a lawsuit, but in hopes such a task force would be productive.

Cynthia noted that there are proposed amendments from the Planning Board on the table. Bernie said he would like to see a productive working group of people looking for a solution, not to argue points. Jo said she hoped someone from the Planning Board would serve. Gary noted there was a list of recommended representation, including the Planning Board, Conservation Commission, Selectmen, and a member of the public as well as folks from the gravel operators' side. Cynthia said attorney Pileggi suggested a 9-person task force. A discussion followed about who should serve. The Selectmen felt a 7-person task force would be reasonable, and a general invitation be extended to the public if anyone were interested in serving. It was also felt that smaller gravel operators not involved in the lawsuit should have some representation. Gordon Donaldson asked if the goal was to bring stakeholders to the table or to invite folks who have an interest in the issue to participate. A lengthy discussion followed until such time as the meeting recessed at 7:00 PM to conduct a brief open town meeting.

The meeting reconvened at 7:12 PM.

**School Committee Accelerated Election** - Jo moved to sign an order to make nomination papers available for the two seats created by the action of the special town meeting. Nathan 2<sup>nd</sup>. Dr. Donaldson noted there would be a community forum on January 28, 2014 at 6:30 PM at the Lamoine Consolidated School. Jo welcomed the new school committee members. Stu noted the first official meeting of the new school committee is next Wednesday, January 15, 2014 at the school. **Vote in favor was 5-0.**

**Gravel Ordinance Task Force (resumes)** – Carol Korty asked if the task force comes up with an agreement, do they write it up to put to a town meeting for a vote. Jo said ultimately the town meeting would have to approve of any ordinance amendments. She said at the town meeting last March where the ordinance was adopted it was agreed that more work was needed on the ordinance. She said the lawsuit complicated that discussion, and the task force idea was presented to the Selectmen. She said the task force would bring whatever was developed to the Board of Selectmen who would have the option of presenting it to the town.

Jo stated there are two matters to decide; the first is to see if the Selectmen want to form such a task force. There was no opposition to that. She said the second item is how to proceed. She asked how quickly groups could be approached to participate. Stu said he could probably have some answers by the next meeting. A discussion followed about whom to approach. Cynthia asked if there could be a definition of how the task force is composed. There was discussion about having the Planning Board, Conservation Commission, Selectmen, public and gravel operators represented, having up to a 9-member board, and whether it should be an even or odd number of members.

Brett Jones asked if this would be a political body. Jo said that's not the purpose of the task force. She said the group would need to agree on how to come up with something. A very lengthy discussion followed.

Jo asked if the board could have a meeting to think about it. Stu asked if there was some direction between now and the next meeting. Jo said she would like to table action for now. Stu suggested that the Planning Board, Conservation Commission and public be invited as well as asking gravel operators via Steve Salisbury, and possibly appoint the task force next meeting. There was general agreement to take that approach. Stu said he would draw up a proposed task list for the group for the next meeting.

**Veterans Check Order** – Jo moved to approve an order directing the town treasurer to disburse a check from the Hancock County Commissioners to persons receiving a veteran's property tax exemption. Nathan 2<sup>nd</sup>. **Vote in favor was 5-0.**

**Cemetery/Veterans Graves Care** – Stu reported that he had been expecting a bill from the East Lamoine Cemetery Association for some time and it had finally arrived, and payment would exceed what is left in the Parks/Recreation/Cemetery budget. He suggested a meeting with both East Lamoine and Forest Hill Cemetery to discuss a more formal agreement on care of Veterans Graves. Selectmen instructed Stu to invite both organizations to the first meeting in February.

**Town Report** – Stu reported that the printer has agreed to hold the same price as last year. He said he's got some of the report done and printed what was done for the Board to review tonight.

**Ice Storm** – Stu reported that Richard McMullen estimated that it would take about one additional day of work to cut out the trees encroaching the roadways. He said there

would likely be some cleanup once the snow is gone. He said he had filed the necessary federal disaster form in the event that a disaster was declared.

At the previous meeting there had been discussion about installing a generator at the Town Hall. Selectmen agreed the Cable TV Committee should meet to discuss that idea.

There were also discussion about emergency water sources, a warming center, transportation to a shelter and reviewing the Emergency Operations Plan at a future meeting.

**Shellfishing Statistics** – Selectmen reviewed a summary of shellfish landings provided by Richard Fennelly from the region since implementation of the Regional Shellfishing Ordinance. Cynthia noted Ellsworth was not in the chart but is part of the region. Stu said there are no places to dig clams in Ellsworth. Bernie said it appears the program has been a success. Brett Jones asked how many diggers there are. Stu said the City of Ellsworth issues those licenses, so he does not know.

**PERC/MRC Legislation** – Selectmen said they had no interest in involvement in a legislative debate over a bill regarding the PERC plant at this time.

**MDOT Sign Replacement** – Stu explained that the Maine DOT and federal government are offering a sign replacement program where the federal government picks up 90% of the cost of new signs. He asked if there was interest. Selectmen instructed him to fill out the form.

**Returnables Request** – Selectmen considered a request from the Conservation Commission for returnables, noting the next available month is March 2014, and that the Commission had received the returnables from December 2013. Jo noted that this would be the one month for the Commission for the 2014 year, and moved to award the returnable revenues to the Conservation Commission for March 2014. Bernie 2<sup>nd</sup>. **Vote in favor was 5-0.**

**Next meeting** – The next regular Selectmen's meeting is January 23, 2014 (not 2013 as on the printed agenda).

Cynthia noted an editorial in the *Ellsworth American* dealt with concealed weapons permits and was of interest. A brief discussion followed.

There being no further business, the meeting adjourned at 8:03 PM.

Respectfully submitted,

Stu Marckoon, Adm. Asst. to the Selectmen